REMARKS

The application has been carefully reviewed in light of the Office Action dated October 30, 2002. Applicant hereby confirms the provisional election to prosecute Group I (i.e., Claims 1-12) and further confirms the provisional election to prosecute the species of claims directed to the longitudinally scored catheter, namely Claims 1-3 and 5-12 as discussed previously on the telephone. Applicant notes that independent Claim 1 is generic to each species disclosed in the application. Accordingly, Claims 1-3 and 5-12 remain in the application, with Claims 4 and 13-22 being cancelled without prejudice or disclaimer of the subject matter therein. Of the claims currently under consideration, Claims 1, 2, 6, 9 and 12 are independent. Reconsideration and further examination are respectfully requested.

Applicant wishes to thank the Examiner for indicating that Claims 2, 3, 6, and 9-12 would be allowable if rewritten in independent form. Accordingly, Claims 2, 6, 9 and 12 have been rewritten in independent form as the Examiner suggested, and now Claims 3, 10 and 11 depend from independent claims that are believed to be allowable. No new matter has been added by these amendments.

Additionally, Applicant wishes to thank the Examiner for the courtesies extended while resolving the typographical errors present in the chart found at page 5 of the Office Action. Accordingly, without admitting that the elements on the chart below are analogous, Applicant hereby submits this replacement chart in order to clarify typographical errors present in the chart currently found in the Office Action.

Applicant's Part	**Perkins' Part**	**Location**	**Part Number**
Stenting catheter	Removal channel	Column 5, line 31	25
Sheath catheter	Fluid delivery channel	Column 5, line 17	27
Cutting tube	Outer catheter	Column 5, line 63	12
Distal end	Distal end	Column 5, line 18	22

Claims 1, 5 and 7 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,970,982 (Perkins). The rejection is respectfully traversed.

The Examiner contends that Perkins discloses various features that are analogous to various features of the present invention. Applicant respectfully disagrees. Simply put, Perkins fails to disclose a vessel harvesting device comprising a stenting catheter, a sheath catheter with proximal and distal ends, and a cutting tube that is connectable to the distal end of the sheath catheter as required by the claims of the present invention.

Comparison of the present invention with Perkins belies the Examiner's assertion that the outer catheter, fluid delivery channels and fluid removal channels disclosed in Perkins are analogous to the stenting catheter, sheath catheter and cutting tube, respectively, of the present invention. As shown in Figs. 1-4 of the present application, stenting catheter 11 fits within a lumen of sheath catheter 13, which together are inserted *inside* a ligated proximal end of a vessel to be harvested. The stenting catheter 11 and sheath catheter 13 combination are caused to exit the ligated distal end of the vessel to be harvested. Upon exiting the distal end of the vessel to be harvested, a cutting tube 15 is placed over the end of the sheath catheter 13 and secured to the sheath catheter 13. The stenting catheter 11 then may be pulled taught, which allows the cutting tube 15 to migrate down the axis of the vessel to be harvested as the sheath catheter 13 is pulled apart, thereby causing the vessel to be harvested from surrounding tissue. *See* specification page 8, lines 1-21 and Figs. 1-4.

In contrast, Perkins discloses an apparatus that operates to ligate a vessel using a hydrodissection, cautery and sectioning system in which fluid removal channels 25 and fluid delivery channels 27 operate *outside* the vessel to be harvested by separating adventitial tissue associated with the vessel to be harvested. *See* Perkins col. 5, lines 15-23 and Figs. 4A-4B. For example in Perkins, the fluid delivery channel 27 delivers fluid 32 under pressure to a tissue area 34 adjacent the distal end 22 of the outer catheter 12 such that peripheral adventitial tissue 28 surrounding the vessel segment 16 is caused to separate from the vessel segment 16. *See* Perkins col. 5, lines 15-23. Additionally, nowhere does Perkins disclose that the outer catheter 12 is connectable to

a distal end of the fluid removal channel 25. Accordingly, because Perkins does not disclose each and every element of Claim 1 of the present invention, Perkins cannot be said to anticipate Claim 1. Thus, Applicant respectfully requests withdrawal of this rejection.

The Examiner has rejected Claim 5 as anticipated by Perkins' disclosure of a cutting tube having a sharp edge. Applicant respectfully traverses this rejection because Perkins does not disclose a cutting tube having a beveled cutting edge at one end as required by Claim 5. In fact, Perkins teaches away from the present invention. Perkins discloses an outer catheter 12 having a blunt nosed edge 17 for separating the peripheral adventitial tissue 28 from the vessel segment. *See* Perkins col. 4, lines 45-50. Moreover, the cautery and sectioning system disclosed in Perkins does not disclose a cutting tube having a beveled cutting edge as required by Claim 5 of the present application. Instead, the sectioning device 38 disclosed in Perkins (as shown in Fig. 1B and 5A of Perkins and described at col. 1, lines 57-65) is positioned adjacent to the distal end of the outer catheter in a ring around the outer catheter lumen and preferably extends circumferentially about the outer catheter. Accordingly, because Perkins does not disclose each and every element of Claim 5, Applicant respectfully requests withdrawal of the rejection.

The Examiner has rejected Claim 7 as anticipated by Perkins. Applicant respectfully traverses this rejection. As discussed above, Perkins fails to disclose each and every element of the presently claimed invention; specifically, Perkins fails to disclose a vessel harvesting device comprising a stenting catheter, a sheath catheter with proximal and distal ends, and a cutting tube that is connectable to the distal end of the sheath catheter, wherein the cutting tube further comprises an inner collecting lumen. Accordingly, Perkins cannot be said to anticipate Claim 7 of the present invention, and Applicant respectfully requests withdrawal of this rejection.

Claim 8 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Perkins. Applicant respectfully requests reconsideration and withdrawal of this rejection

because, as discussed above, Perkins neither teaches nor suggests the presently claimed invention. Specifically, Perkins fails to teach or suggest a vessel harvesting device having a stenting catheter, a sheath catheter with proximal and distal ends and a cutting tube connectable to the distal end of the sheath catheter, wherein the cutting tube is about 5 to about 20 cm long, about 3 to about 5 mm in diameter, and the collecting tube is about 3 to about 15 cm long. Accordingly, there would be no motivation for one of ordinary skill in the art to look to Perkins for guidance regarding the dimensions of a vessel harvesting device, especially because, as the Examiner admits, Perkins is completely silent regarding dimensions of the apparatus disclosed therein.

The Examiner has objected to the drawings under 37 C.F.R. § 1.83(a) for failing to show the guide wires that are disclosed in the specification. Applicant respectfully directs the Examiner's attention to Fig. 4, reference numerals 77 and 79, which are described at page 7, lines 12-15 of the specification as follows:

> Additionally, within the center of the peel away catheter are a plurality of guide wires (two being illustrated 77 and 79) for helping to keep the cutting tube aligned when it is being pulled down under the skin of the patient. The guide wires are secured at both ends of the patient in clamping member 19 and 21.

Accordingly, Applicant respectfully requests withdrawal of this objection.

The Examiner also has objected to the drawings under 37 C.F.R. § 1.84(p)(5) as including reference numerals that are not disclosed in the specification. Specifically, the Examiner contends that reference numerals 49 and 57 are not disclosed in the specification. Regarding reference number 49, Applicant respectfully directs the Examiner's attention to page 6, lines 12-14 of the specification, wherein reference numeral 49 is described as "the smaller lumen 49 of the distal end of the cutting tube."

Regarding reference number 57, Applicant proposes removal of this reference number from Fig. 3.

Additionally, Applicant notes a typographical error in Fig. 3. Specifically, Applicant notes that reference number 67 should instead read reference number 60. As disclosed in the application at page 6, lines 17-18, the sheath catheter 13 tapers to a smaller lumen 60 that closely fits over the stenting catheter 11. No new matter is added by this proposed amendment.

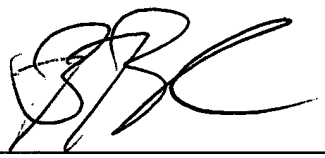
Applicant hereby submits the above-described proposed amendments to the drawings with proposed changes shown in red ink. Applicant will submit new formal drawings upon allowance of the application. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objections to the drawings in light of the proposed amendments.

In view of the foregoing, the Applicant respectfully submits that Claims 1-3 and 5-12 are in condition for allowance. Reconsideration and withdrawal of the rejections and objections is respectfully requested, and a timely Notice of Allowability is solicited. To the extent it would be helpful to placing this application in condition for allowance, the Applicant encourages the Examiner to contact the undersigned counsel and conduct a telephonic interview.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

Our check in the amount of $84.00 is enclosed for the later presentation of two independent claims in excess of three, pursuant to 37 C.F.R. § 1.16(b).

Respectfully submitted,



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Enclosure: Proposed Amended Drawings (Fig. 3)

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 4 and 13-22 are cancelled.

Claims 2, 6, 9 and 12 have been amended as follows:

2. (Amended) A [The] vessel harvesting device comprising a stenting catheter, a sheath catheter with proximal and distal ends, and a cutting tube that is connectable to the distal end of the sheath catheter [of Claim 1], wherein the sheath catheter further comprises a peel-away catheter.

6. (Amended) A [The] vessel harvesting device comprising a stenting catheter, a sheath catheter with proximal and distal ends, and a cutting tube that is connectable to the distal end of the sheath catheter [of Claim 6], wherein the cutting tube has a bevelled cutting edge that is [wherein the bevel is] beveled radially outward.

9. (Amended) A [The] vessel harvesting device comprising a stenting catheter, a sheath catheter with proximal and distal ends, and a cutting tube that is connectable to the distal end of the sheath catheter [of Claim 1], wherein the sheath catheter has connecting prongs at its distal end and the cutting tube has corresponding connecting ports at its distal end for connecting the cutting tube to the sheath catheter.

12. (Amended) A [The] vessel harvesting device comprising a stenting catheter, a sheath catheter with proximal and distal ends, and a cutting tube that is connectable to the distal end of the sheath catheter [of Claim 1], further comprising a plurality of guide wires for guiding the cutting tube during vessel harvesting.